

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

Claims 1, 11, 20 and 29 have been amended. Claims 39-42 have been added. Claims 39-42 correspond to originally filed claims 6, 15, 24, and 33, respectively. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented above, with an appropriate defined status identifier.

The Examiner has objected to the amendment in the specification. Claims 1-5, 7-14, 16-23, 25-32, and 34-42 are now pending in this application. Claims 1-5 and 7-9 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over WO 01/10420. Claims 1-38 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over WO 01/10420 in view of Miranda et al. (U.S. Patent No. 5,656,286). Reconsideration is requested.

Amendment to the Specification is proper

The Examiner has objected to the amendment in the specification. The specification was amended to correct a reference to a patent number from 5,656,386 to 5,656,286. The Examiner argues that applicants offer no explanation as to the change in patent number. The correction was made to correct a typographical error. For example, in paragraph 0025 as amended, the specification recites that “[o]ther useful pressure-sensitive adhesives (“PSA”) can include acrylic-based pressure-sensitive adhesives and silicone-based pressure-sensitive adhesives as described in U.S. Pat. Nos. 5,474,783, and 5,656,286.” The specification was amended therein to change a referenced patent number from 5,656,386 to 5,656,286. U.S. Patent No. 5,656,386 relates to an electrochemical cell with a polymer electrolyte and process for producing these polymer electrolytes while U.S. Patent No. 5,656,286 relates to a transdermal acrylic based adhesive. Thus, it is clear that the amendment in the specification was made to correct a typographical error and does not add any new matter. Withdrawal of this objection is earnestly solicited.

The Claims are Patentable Over the Prior Art

Claims 1-5 and 7-9 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by WO 01/10420 (hereinafter "Vickers"). Claims 1-38 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Vickers in view of Miranda et al. (U.S. Patent No. 5,656,286). Claims 1, 11, 20 and 29 have been amended herein.

Submitted herewith is the Declaration of Juan Mantelle under 37 C.F.R. § 1.131 (hereinafter "the Mantelle Declaration") antedating the Vickers reference. Vickers published on February 15, 2001. As evidenced by the Mantelle Declaration, Vickers is not prior art to the present application as the present invention was reduced to practice prior to Vickers February 15, 2001 publication date. Therefore, rejections based in whole or in part on Vickers must fail. Accordingly, applicants respectfully request that the rejections under 35 U.S.C. 102 and 103 be withdrawn.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP

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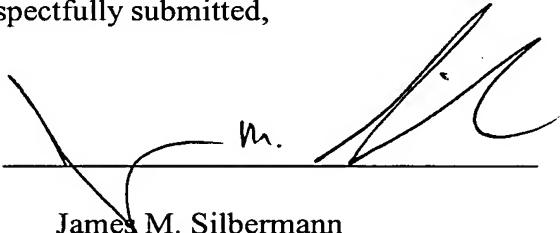
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